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HOUSE BILL 669

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Danice Picraux

AN ACT

RELATING TO CHARITIES; REQUIRING A TAX-EXEMPT CHARITY TO FILE
ADDITIONAL FEDERALLY REQUIRED INFORMATION WITH NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-22-6 NMSA 1978 (being Laws 1983,
Chapter 140, Section 6, as amended) is amended to read:

"57-22-6. FILING OF REQUIRED DOCUMENTS.--

A. A charitable organization existing, operating or
soliciting in the state, unless exempted by Section 57-22-4
NMSA 1978, shall register with the attorney general on a form
provided by the attorney general; correct any deficiencies in
its registration upon notice of deficiencies provided by the
attorney general; and provide a copy of its IRS Form 1023 or
IRS Form 1024 application for exempt status with its
registration.

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1 B. The attorney general shall notify each
2 charitable organization required to register within ten
3 business days of ~~his~~ receipt of the registration form of any
4 deficiencies in the registration and may make rules in
5 accordance with the State Rules Act, as are necessary for the
6 proper administration of this section, including:

7 (1) requirements for filing additional
8 information, including disclosure of professional fundraising
9 counsel retained by the charitable organization; and

10 (2) provisions for suspending the filing of
11 reports or granting an exemption from the registration and
12 reporting requirements of this section for a charitable
13 organization subject to audit, registration, charter or other
14 requirements of a statewide, regional or national association
15 and if it is determined that such reports or registration is
16 not necessary for the protection of the public interest.

17 C. In addition to any other reporting requirements
18 pursuant to the Charitable Solicitations Act, every charitable
19 organization that has received tax-exempt status pursuant to
20 Section 501(c)(3) of the federal Internal Revenue Code of 1986,
21 as amended, and that is required to file a form 990, 990EZ or
22 990PF pursuant to the Internal Revenue Code of 1986, as
23 amended, shall file that form and the accompanying ~~[schedule A]~~
24 schedules annually with the office of the attorney general up
25 to six months following the close of the charitable

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1 organization's fiscal year. Extensions of time for filing may
2 be allowed at the discretion of the attorney general for good
3 cause shown. Such forms shall be public records and available
4 for public inspection, subject to the relevant public
5 disclosure provisions of the Internal Revenue Code of 1986, as
6 amended. Organizations that do not file a form 990, 990EZ or
7 990PF pursuant to the Internal Revenue Code of 1986, as
8 amended, shall file an annual report, under oath, on the form
9 provided by the attorney general for that purpose. A
10 charitable organization that received total revenue in excess
11 of five hundred thousand dollars (\$500,000) shall be audited by
12 an independent certified public accountant. Audits shall be
13 performed in accordance with generally acceptable accounting
14 principles. A charitable organization shall correct any
15 deficiencies in an annual report upon notice of deficiencies
16 provided by the attorney general.

17 D. A charitable organization that fails to register
18 before a solicitation is made or fails to timely file its tax
19 filings with the attorney general pursuant to Subsection C of
20 this section may be assessed a late filing fee of one hundred
21 dollars (\$100).

22 E. The attorney general may accept information
23 filed by a charitable organization with another state or the
24 federal government in lieu of the registration and reporting
25 requirements of the Charitable Solicitations Act if such

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1 information is determined by the attorney general to be in
2 substantial compliance with the registration and reporting
3 requirements of that act."

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